This case goes one step further than those which hold that, in absence of crime, the courts will not permit such an unfair and inequitable method to enforce a civil process. *Snelling* v. *Watrous*, 2 Paige, Ch. 14; *Beacom* v. *Rogers*, 79 Hun. 220.

PHYSICIANS—PRACTICING WITHOUT LICENSE—OSTEOPATHY.—LITTLE V. STATE, 84 N. W. 248 (Neb.).—A man practiced osteopathy without complying with a statute establishing a State Board of Health and prohibiting the practice of "medicine, surgery and obstetrics" without a license. *Held*, liable to the penalty prescribed by the statute.

The practice of osteopathy consists principally in rubbing and kneading portions of the bodies and manipulating the limbs of patients to remove the cause or causes of disease. The Court, taking a broad view of the question at issue, sought to carry out the legislative intent and effect the object of the statute designed to protect the public. *State* v. *Buswell*, 58 N. W. 728, 24 L. R. A. 69. The judges could see no reason why osteopathy should be distinguished from "Christian Science" treatment, and accordingly followed *Eastman* v. *People*, 71 Ill. App. 236.

STREET RAILROADS—REMOVAL OF OBSTRUCTIONS—SHADE TREES.—MILLER V. DETROIT, Y. & A. A. RY. CO., 84 N. W. 49 (Mich.).—A street railway company, with the proper franchise to lay tracks, erect poles, etc., removed eleven shade trees without notice or compensation to owner. *Held*, liable for damages.

The Court followed the principle laid down in *Wyant* v. *Telephone Co.*, 47 L. R. A. 497, *viz:* that a telephone company has the right to cut out the branches of trees along the public highway. It held accordingly that, a street railway not being an additional servitude, the company may remove all obstructions, including shade trees, without compensation to the owner. *Wilson* v. *Simmons*, 36 Atl. 380; *Dodd* v. *Traction Co.*, 57 N. J. Law 482. However, as the abutting owner has the title to shade trees adjoining his premises (*Cooley*, *Torts*, 318, 372; *People* v. *Foss*, 80 Mich. 559), he must have notice to remove obstructing trees, and reasonable time, before the municipality or any corporation may proceed to do so. *Clark* v. *Dasso*, 34 Mich. 86; *Stretch* v. *Village of Cassopolis*, 84 N. W. 51. The defendant failed to give such notice and was accordingly held liable for damages.

TELEPHONE COMPANY—ACTION FOR NON-FEASANCE.—LEVIN ET AL V. SOUTHWESTERN TELEGRAPH & TELEPHONE CO., 59 S. W. 303 (Tex.).—The appellant was expecting an important message over the wires of the appellee company, and was waiting in appellee's office to receive the same. The appellant desired to leave the office for a short time, and left word where he might be found. While he was absent, the message came. The appellee knew of the importance of the message, but made no effort to get the appellant, in consequence of which the latter suffered great pecuniary loss. *Held*, no action would lie.

This case was decided as above on the ground that the appellee company had in no way agreed to serve the appellant in any capacity, nor to do anything for which it would be liable. The contract, if there was one, must have been inferential in character. Even granting this, no consideration was averred or proved, and hence no liability could attach. *Telegraph Co.* v. *Henry*, 87 Tex. 160; *Insurance Co.* v. *Davidge*, 51 Tex. 249; *Dodge* v. *Burdell*, 13 Conn. 170.